IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5446 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

TIKOO TRADERS PVT. LTD

Versus

N P TRIVEDI

Appearance:

MR KV GADHIA for Petitioner

RULE SERVED BY DS for Respondent No. 1

MR AR LAKHIA for Respondent No. 2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 24/08/2000

ORAL JUDGEMENT

1. By way of the present petition, the petitioner seeks to challenge the orders of the Labour Court, Ahmedabad in the pending Reference No.220 of 1996 whereby

the right of the petitioner to lead evidence and examine witnesses in respect of the alternative employment of the respondent is sought to be restricted even as the evidence is not closed.

2. The learned counsel appearing for the respondent has fairly conceded that each party must be given the fullest opportunity to present their case and, if need be, have the witnesses examined by their voluntary presence or by issuing summons. However, learned counsel Mr.Lakhia submitted that these opportunities were not to be abused for prolonging the proceedings in the Labour Court. As against that, the learned counsel for the petitioner submitted that it was not their intention to prolong the proceedings and it would abide by any schedule that may be fixed for examination of the witnesses and even disposal of the case.

3. It may not be proper for this Court to fix a schedule of hearing for the Labour Court either for examination of witnesses or for disposal of cases. However, the policy and the purpose of the Industrial Disputes Act reflected in Sections 10 and 15 thereof clearly suggest that reference cases are required to be disposed as expeditiously as possible and preferably within the prescribed time. It is also stipulated in the said provisions that, in case of delays, the Labour Court is required to record reasons for adjourning the proceedings.

4. In the facts of the present case, the impugned orders are quashed and set aside. The petitioners shall be at liberty to make appropriate application for summoning the witnesses within a reasonable time and examine the witnesses and lead evidence regarding alternative employment of the respondent or otherwise. Such exercise is undertaken by the learned Counsel to be completed within a period of three months from today and it is further undertaken that no unnecessary adjournments will be sought on either side. Accordingly, the petition is allowed and the Labour Court is directed to hear and dispose of the Reference (LCA) No.220 of 1996 as expeditiously as possible and preferably within six months from today. Rule is made absolute with no order as to costs.

Sd/-
(KMG Thilake)
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